

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD GEE	:	CIVIL ACTION
	:	
Petitioner,	:	
v.	:	
	:	NO. 09-825
JOHN KERESTES, et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this __ 16th ____ day of June, 2010, upon consideration of Chief Magistrate Judge Thomas J. Rueter's Report and Recommendation (R&R) (Doc. #9), Petitioner Edward Gee's Objections to the R&R (Doc. #10), as well as Defendants' Response (Doc. #12), it is **ORDERED** that:

- The R&R is **APPROVED** and **ADOPTED**, with the exception that Petitioner's prosecutorial misconduct claim is not procedurally defaulted, but rather denied on the merits.
- Petitioner's petition for a writ of habeas corpus is **DENIED**; and
- There is no probable cause to issue a certificate of appealability.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

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